

AG Contract No. KR96 0657 TRN
ADOT ECS File No. JPA 96-34
Project: NH-10-3(273)/H3795 01C
Section: I-10 @ Chandler Blvd.
16" DIP Sewer Line

75331

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF PHOENIX

THIS AGREEMENT is entered into 18 APRIL, 1997,
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between
the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION
(the "State") and the CITY OF PHOENIX, acting by and through its MAYOR and CITY
COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 and Chapter 2, Section 2 and Chapter 4, Section 2, Paragraph V5 of the Phoenix City Charter to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. Incident to an improvement project to I-10 at Chandler Blvd. now under construction by the State, the City has requested the State install approximately 204 l.f. of 16" ductile iron pipe through an existing 30" steel casing pipe under the west approach to I-10 at Chandler Blvd., at an estimated cost of \$42,619.09, all at City expense, hereinafter referred to as the Project.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. <u>21500</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>04/18/97</u>
<u>Gene Lee Thill</u> Secretary of State
By <u>Vicky Greenwood</u>

II. SCOPE

1. The State will:

a. By change order to the existing State construction contract, accomplish the Project on behalf of the City. Administer construction and make all payments to the contractor. Be responsible for any contractor claims for extra compensation on the State's project.

b. Provide construction engineering during construction of the Project, and upon completion, approve and accept the Project on behalf of the parties hereto.

c. Upon execution of this agreement, invoice the City for the cost of the Project, in an amount estimated at \$42,619.09.

2. The City will:

a. Upon execution of this agreement, pay the State for the cost of the Project, in an amount estimated at \$42,619.09.

b. Be responsible for any Project related contractor claims for extra compensation.

c. Upon completion and acceptance of the work by the State, provide maintenance to the Project.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of the Project and payment; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract change order, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Department of Transportation
Joint Project Administration
205 South 17 Avenue, MD 616E
Phoenix, AZ 85007

City of Phoenix
Water Services Director
200 W. Washington - 8th floor
Phoenix, AZ 85003-1611

Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.


CITY OF PHOENIX, a Municipal
Corporation, Frank Fairbanks, City Manager

STATE OF ARIZONA
Department of Transportation

ms
By 
pk MICHAEL GRITZUK, P.E.
Water Services Director

By 
PETER L. ENO
Contract Administrator

ATTEST

By 
VICKY MIEL
City Clerk

RESOLUTION

BE IT RESOLVED on this 5th day of April 1996, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement the City of Phoenix for the purpose of installing a City requested 204' length of 16" DIP sewer line through an existing 30" steel casing pipe under the west approach to I-10 at Chandler Blvd.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Contract Administrator for approval and execution.


for LARRY S. BONINE
Director



City of Phoenix


To: David R. Garcia
Deputy City Manager

From: Michael Gritzuk, P.E.
Water Services Director

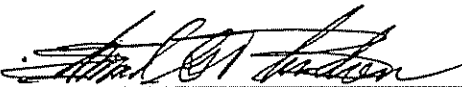
Subject: **Delegation of Authority**

Date: February 19, 1997

During my absence from the City and office from Friday, February 21, 1997, through Wednesday, February 26, 1997, Edward G. Blundon, Assistant Water Services Director for Administration, is hereby authorized to act in my behalf and to approve and sign all documents requiring the approval of the Water Services Director.



Michael Gritzuk, P.E.
Water Services Director



Edward G. Blundon
Assistant Water Services Director
for Administration

Complete this form per O.P. 1.906 and A.R. 4.11.

SUBJECT DISTRICT NO. 6 - AGREEMENT WITH ARIZONA DEPARTMENT OF
TRANSPORTATION FOR INSTALLATION OF A SEWER FORCE MAIN
(S-941716)
(NOTE: Include the word DISTRICT or CITYWIDE in Subject.)

RECOMMENDED Department Name: Water Services/Wastewater Engineering Division
 BY Date Prepared: 05/31/96 Div. Approval: Paul Kinshell, P.E.
 Req. Agenda Date: 06/12/96 Dept Approval: MS/Michael Gritzuk, PE
 If prepared for a different department:
 Dept. Name/Approval: _____

To Be Encumbered? Y (Y/N)

BUDGET \$ 36,015.92 (Apprvd: Gerber&Wenger) Fiscal Year? 1995-96

INFORMATION Source of Funds: 1988 Sewer Bonds

Index Code (s): S-941716

Subobject(s): 4780

Availability of Funds Approval: Mark Leonard

CITY CLERK DEPARTMENT

RECORDS SECTION File Number: F-2238 RCA Number: 17755
Ordinance Number: _____ Resolution Number: _____

AGENDA ACTION This item was: Approved
Contract Number (if applicable): 75331
Comments: _____

COUNCIL SUPPORT Agenda Date: 6/12/96 ITEM NUMBER: 80

DISTRICT NO. 6 - AGREEMENT
WITH ARIZONA DEPARTMENT OF
TRANSPORTATION FOR
INSTALLATION OF A SEWER FORCE
MAIN (S-941717)

Request to authorize the City Manager to enter into an agreement with the State of Arizona Department of Transportation (ADOT) for the installation of a 16 inch sewer force main as part of a street widening project of Chandler Boulevard west of the I-10 Freeway.

ADOT approached the Water Services Department to coordinate the widening of Chandler Boulevard west of I-10 with the 16 inch sewer force main project from Pecos Road to Ray Road. A steel casing had previously been installed under Chandler Boulevard for the two existing 12 inch and 14 inch sewer force mains and the future 16 inch sewer force main. The casings were installed in 1985 by the original developer in the Foothills area in anticipation of the installation of the future force main.

ADOT's design included the installation of a retaining wall on the south side of Chandler Boulevard and was scheduled for completion by December, 1995. The 16 inch sewer force main was in the final design phase and was not scheduled to bid until May, 1996. The footer for the retaining wall was in direct conflict with the proposed force main. The 16 inch sewer force main design was revised and submitted to ADOT for their approval. It was determined that, to avoid conflicts during construction of the force main at a later date, it would be best to construct the portion of the force main at this time to prevent disturbing the new street widening work.

Enough steel casing was in place to allow the 16 inch force main to be built in Chandler Boulevard prior to the widening. If it was to be built later, additional casing would have been required and installed by ADOT. It was more cost-effective to install the force main at the time the widening project was to be constructed.

The contractor submitted a cost analysis to ADOT for the 200 linear feet of 16 inch force main work. The cost proposal was approved December 13, 1995. Our consultant, Project Engineering, Inc., will provide construction staking for the contractor, and ADOT will provide the frontend costs, the construction inspection and the record drawings.

Financial Impact:


The project cost is estimated to be \$36,015.92. Funds are available from the 1988 Sewer Bonds.

MG:MBS:PHK:RW:JWS:dkt:ADOT2RCA

STATE OF ARIZONA)
) ss
COUNTY OF MARICOPA)

I, Gina Ornelas, the duly appointed and qualified Special Deputy City Clerk of the City of Phoenix, County of Maricopa, State of Arizona, do hereby certify and attest the attached to be a true and correct copy of minutes of the City Council of the City of Phoenix held on the 12th day of June, 1996 all as appears of record in the office of the City Clerk.

IN WITNESS WHEREOF, I hereunto set my hand and caused the official seal of the City of Phoenix to be affixed hereunto this 28th day of March, 1997.


SPECIAL DEPUTY CITY CLERK

June 12, 1996

The Phoenix City Council convened in formal session on Wednesday, June 12, 1996, at 3:00 p.m. in the Council Chambers.

INVOCATION

The invocation was given by Reverend H. G. Miller, Valley Cathedral.

PLEDGE

The Pledge of Allegiance to the Flag was led by Councilman Dave Siebert.

ROLL CALL

Present: Council Members Peggy A. Bilsten, Sal DiCiccio,
Doug Lingner (arrived late), John Nelson, Dave Siebert,
Craig Tribken, Cody Williams (arrived late), and Vice
Mayor Frances Emma Barwood

Absent: Mayor Skip Rimsza

Also

Present: City Manager Frank Fairbanks, City Attorney Roderick
McDougall, City Clerk Vicky Miel, and Executive Assistant
to Council Richard Naimark

MINUTES OF MEETINGS

The minutes of this meeting were submitted to Mr. Tribken for review.

Continued from June 5, 1996 - The minutes of the formal meeting of May 8, 1996, were continued to June 19, 1996, at 3:00 p.m.

Mr. Siebert found the minutes of the recessed meeting of May 15, 1996, to be in order and **MOVED** their approval. This was **SECONDED** by Mrs. Bilsten. **MOTION CARRIED UNANIMOUSLY.**

MOTION was made by Mr. Nelson, **SECONDED** by Mr. Tribken, to suspend the rules and change the order of business to : (1) administer the oath of office to Karyn Eve Klausner, (2) present June service awards and (3) consider the Consent Agenda and appointments to boards and commissions. **MOTION CARRIED UNANIMOUSLY.**

June 12, 1996

ITEM 78

CITYWIDE - 75329 -
AGREEMENT WITH ARIZONA
STATE LAND DEPARTMENT
TO MAP AREAS C AND D
(DESERT TRI-VILLAGES) -
F-0468

The Council heard request to authorize the City Manager to enter into an agreement with the Arizona State Land Department to survey 18 quarter sections of Areas C & D (Desert Tri-Villages).

ITEM 79

CITYWIDE - 75330 -
SAFE DRIVING TRAINING
FOR CITY EMPLOYEES -
F-5083

The Council heard request to authorize the City Manager to enter into a two-year contract with Academy of Driving to provide safe driving training to the City of Phoenix employees who drive on City business in order to reduce vehicle accidents.

ITEM 80

DISTRICT 6 - 75331 -
S-941717 - ADOT AGREEMENT
FOR INSTALLATION OF A
SEWER FORCE MAIN - F-2238

The Council heard request to authorize the City Manager to enter into an agreement with the State of Arizona Department of Transportation (ADOT) for the installation of a 16 inch sewer force main as part of a street widening project of Chandler Boulevard west of the I-10 Freeway.

MOTION was made by Mr. Williams, **SECONDED** by Mr. Lingner, that Item 71 be reconsidered. **MOTION CARRIED UNANIMOUSLY.**

Due to a possible conflict of interest, Mr. Nelson withdrew from the voting body on Item 71.

June 12, 1996

ITEM 71

DISTRICT 7 -
ABANDONMENT OF RIGHT-
OF-WAY AND EASEMENT -
V-96011A - F-1486

Resolution 18737 abandoning McKinley Street between 44th Avenue and 47th Avenue and abandoning adjacent public utility easements pursuant to application V-96011-A; and declaring an emergency, was presented to the Council.

Mr. Graeme Hancock, requested that Item 71 be continued in order to resolve certain matters. A continuance was preferable to withdrawing the item.

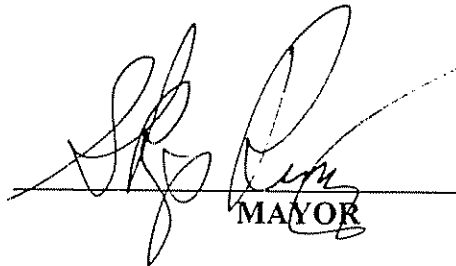
Mr. Lingner told Mr. Hancock he wished to meet with him prior to next week's meeting.

MOTION was made by Mr. Williams, **SECONDED** by Mr. Lingner, that Item 71 be continued to June 19, 1996, at 3:00 p.m. **MOTION CARRIED UNANIMOUSLY.**

Mr. Nelson returned to the voting body.

ADJOURNMENT

There being no further business to come before the Council, Mayor Rimsza declared the meeting adjourned.


MAYOR

ATTEST:


CITY CLERK

0612min.w61/S

APPROVAL OF THE PHOENIX CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, the CITY OF PHOENIX and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 20th day of February, 1996⁷

Michael D. Hese
ACTING City Attorney *for*



GRANT WOODS
ATTORNEY GENERAL

STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL
1275 WEST WASHINGTON, PHOENIX 85007-2926

TRN Main: (602) 542-1680
Direct: (602) 542-8837
Fax: (602) 542-3646
MAIN PHONE : 542-5025
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR96-0657TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED April 14, 1997.

GRANT WOODS
Attorney General

JAMES R. REDPATH
Assistant Attorney General
Transportation Section